(PC) Tyler v.	∕. Davis et al ∥	
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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
8	ENSTERN DISTRICT OF CREW ORIGIN	
9	ELONZA JESSE TYLER, CASE NO. 1:06-cv-00092-SMS PC	
10	Plaintiff, ORDER DENYING MOTION	
11	v. (Doc. 103)	
12	R. DAVIS, M.D., et al.,	
13	Defendants.	
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15	This matter is set for jury trial on October 27, 2010. On October 18, 2010, Plaintiff Elor	ıza
16	Jesse Tyler filed a motion seeking an order precluding Defendant Dennis Smith from litigating	he
17	issue of liability and limiting jury trial to the issue of damages only, pursuant to the doctrine	of
18	collateral estoppel. See Wolfson v. Brammer, 616 F.3d 1045, 1064 (9th Cir. 2010) (doctrine	of
19	collateral estoppel precludes the relitigation of facts and law conclusively determined in pr	ior
20	action).	
21	The pretrial order, filed on September 14, 2010, controls this litigation, and sets forth	the
22	disputed and undisputed facts. Fed. R. Civ. P. 16(e); Local Rule 283(c). The pretrial order may or	ıly
23	be modified upon a showing of manifest injustice, and the deadline for objection to the pretrial ord	er,
24	in whole or in part, was October 1, 2010. Fed. R. Civ. P. 16(e); Local Rule 283(c). The Cour	t's
25	previous denial of Defendant Smith's motion for summary judgment on the ground that he failed	to
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1	meet his burden as the moving party provides no basis for the relief Plaintiff seeks and his motion
2	is HEREBY DENIED.
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6	IT IS SO ORDERED.
7	Dated: October 25, 2010 /s/ Sandra M. Snyder UNITED STATES MAGISTRATE JUDGE
8	UNITED STATES WAGISTRATE JUDGE
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